

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN N. SCHEITER,
[DOB: 1/23/61]

Defendant.

No.

COUNT 1

33 U.S.C. §§ 1311(a), 1319(c)(1) & 1342(a)
NMT 1 Year Imprisonment
Fine: NLT \$2500/NMT \$25,000 per day of
violation
NMT 1 Year Supervised Release
Class A Misdemeanor

COUNT 2

33 U.S.C. §§ 1311(a), 1319(c)(1) & 1342(a)
NMT 6 months Imprisonment
NMT \$10,000 Fine
NMT 1 Year Supervised Release
Class B Misdemeanor

\$25 Special Assessment (Both Counts)

INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times relevant to the Information,

INTRODUCTION

1. The Village of Sunrise Beach, Missouri, was located within both Camden and Morgan Counties.

2. The Sunrise Beach Wastewater Treatment Facility, located in Camden County, Missouri, was permitted by the State of Missouri Department of Natural Resources (MDNR) to treat the wastewater of Sunrise Beach and to discharge after treatment to an unnamed tributary of the Lake of the Ozarks. The original permit, Missouri State Operating Permit number MO-0137278, became effective June 1, 2014, and expired on May 31, 2019. The facility timely filed

its renewal application on November 9, 2018, thereby continuing its current permit until such time when MDNR acted on the renewal application.

3. Defendant, **BRIAN N. SCHEITER**, was employed as the Head of Public Works and the Chief Wastewater and Drinking Water Operator of Sunrise Beach.

THE CLEAN WATER ACT

4. The Clean Water Act (CWA) was the primary federal statute addressing water pollution. Its stated purpose was the “restoration and maintenance of the chemical, physical, and biological integrity of the Nation’s waters.” 33 U.S.C. § 1311. An objective of the CWA was to protect human health and the environment by regulating the amounts and types of pollutants permitted to be released into waters of the United States.

5. Specifically, Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibited the discharge of all pollutants into waters of the United States by any person, except as authorized by a permit issued under Section 402 or 404 of the Act, 33 U.S.C. § 1342 or § 1344, respectively.

6. The State of Missouri, through MDNR was authorized to issue NPDES permits in the State of Missouri pursuant to 33 U.S.C. § 1342(b).

7. The CWA defined “pollutant” as “dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 33 U.S.C. § 1362(6).

8. The term “discharge of a pollutant” included any addition of any pollutant to navigable waters from any point source. 33 U.S.C. § 1362(12).

9. The term “Point source” included “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete

fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

10. The Lake of the Ozarks was a water of the United States, as were all its tributaries.

11. Sunrise Beach Wastewater Treatment Facility’s operating permit allowed the discharge of its treated water to one unnamed tributary to the Lake of the Ozarks.

12. The facility was required to be under the supervision of a Certified Class “C” Operator. Defendant, **BRIAN N. SCHEITER**, was a certified Class “A” Wastewater Operator and a Drinking Water Distribution Level II Operator. In Missouri, there were four-levels of wastewater treatment certification. Class A was the highest and Class D was the lowest. In Missouri, there were three-levels of drinking water distribution certifications. Level III was the highest and Level I was the lowest.

13. As the Sunrise Beach Chief Wastewater Operator, Defendant, **BRIAN N. SCHEITER**, was responsible for the Sunrise Beach Wastewater Treatment Facility.

14. “Bypass” was defined as the intentional diversion of waste streams from any portion of a treatment facility. 40 C.F.R. § 122.41(m). Bypasses were not permitted.

COUNT 1
(Clean Water Act Discharge)
33 U.S.C. §§ 1311(a), 1319(c) & 1342(a)

15. Paragraphs 1 through 14 are incorporated and re-alleged as if fully set forth herein.

16. Between October 4, 2019, and January 7, 2020, said dates being approximate within the County of Camden, in the Western District of Missouri, the defendant, **BRIAN N. SCHEITER**, negligently discharged a pollutant, namely sewage water, from a point source into a water of the United States, namely Lake of the Ozarks, in violation of a permit, to wit: he diverted wastewater from going through all necessary processes at the Sunrise Beach Wastewater

Treatment Facility and discharged it through a pipe and other conveyances from the facility into an unnamed tributary of the Lake of the Ozarks; all in violation of Title 33, United States Code, Sections 1311(a), 1319(c)(1), and 1342(a).

COUNT 2

(Clean Water Act Failure to Report)
33 U.S.C. §§ 1311(a), 1319(c) & 1342(a)

17. Paragraphs 1 through 14 are incorporated and re-alleged as if fully set forth herein.

18. Between October 4, 2019, and January 7, 2020, said dates being approximate, within the County of Camden, in the Western District of Missouri, the defendant, **BRIAN N. SCHEITER**, negligently violated a permit condition in a permit issued under the authority of Section 1342 of the Clean Water Act, to wit: failure to report bypasses from the Sunrise Beach Wastewater Treatment Facility as required by the permit; all in violation of Title 33, United States Code, Sections 1311(a), 1319(c)(1), and 1342(a).

Teresa A. Moore
Acting United States Attorney

By



Michael S. Oliver
Assistant United States Attorney
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Dated: 8/18/2021